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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

United States Courts
Southern District of Texas
FILED

MM

NOV 13 2002

Michael N. Milby, Clerk

LUIS ALEJANDRO GARZA

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VS.

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CIVIL ACTION NO. B-02-154

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THE UNITED STATES OF AMERICA

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**PLAINTIFF'S RESPONSE TO NOTICE OF DISMISSAL FOR LACK
OF PROSECUTION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Luis Alejandro Garza, Plaintiff in the above-entitled and numbered-cause and submits this his response to the Notice of Dismissal for Lack of Prosecution and in support thereof would respectfully show as follows:

1.

Plaintiff, through his attorney of record, personally served the summons upon the Defendant the United States of America, without enlisting the assistance of the United States Marshall although the Court ordered that said service shall be provided free of charge to Plaintiff because of his indigent status. The government received said summons and has now answered and appeared herein for all purposes.

2.

Wherefore Plaintiff prays that the Court not dismiss his action, but instead set the matter for an initial pre-trial for the purposes of entering a scheduling order and setting a trial date.

Respectfully submitted,



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Federal I.D. No. 3968
ATTORNEY-IN-CHARGE FOR
LUIS ALEJANDRO GARZA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of November, 2002, a true and correct copy of Plaintiff's Response to Notice of Dismissal for Lack for of Prosecution was forwarded to all counsel of record to wit:

Ms. Nancy L. Masso
Assistant U.S. Attorney
600 E. Harrison, #201
Brownsville, Texas 78520



BARRY R. BENTON